

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARIETTA AREA HEALTHCARE, INC., et al.,

Plaintiffs,

v.

Civil Action No. 5:23-cv-131
Judge Bailey

CAMDEN-CLARK MEMORIAL HOSPITAL
CORPORATION, et al.,

Defendants.

DEFENDANTS' MOTION TO DISMISS

Defendants Camden-Clark Memorial Hospital Corp.; Camden-Clark Health Services, Inc.; West Virginia United Health System, Inc, d/b/a West Virginia University Health System; and West Virginia University Hospitals, Inc. (collectively, "Camden-Clark/WVUHS"), by counsel, move to dismiss Plaintiffs Marietta Area Healthcare, Marietta Memorial Hospital, and Marietta Healthcare Physicians, Inc.'s Second Amended Complaint (Dkt. 28) with prejudice under Federal Rule of Civil Procedure 12(b)(6).

As explained in the accompanying memorandum, Plaintiffs' claims are barred by *res judicata*. The Court should also dismiss Plaintiffs' claims as preempted by the False Claims Act, as against public policy, for failure to show causation as a matter of law, as time-barred under the applicable one- and two-year statutes of limitation, and for failure to state a claim. The bases for this Motion are set forth more fully in the accompanying memorandum of law, which Camden-Clark/WVUHS incorporate herein.

Dated: August 21, 2023

CAMDEN-CLARK MEMORIAL HOSPITAL CORPORATION, CAMDEN-CLARK HEALTH SERVICES, INC., WEST VIRGINIA UNITED HEALTH SYSTEM, INC., d/b/a WEST VIRGINIA UNIVERSITY HEALTH SYSTEM; and WEST VIRGINIA UNIVERSITY HOSPITALS, INC.

BY COUNSEL:

/s/ Susan W. Romaine

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of same to counsel of record.

/s/ Susan W. Romaine

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